

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

DEMONDRAY BROOKS,

CASE NO. 1:23 CV 2123

Petitioner,

v.

JUDGE JAMES R. KNEPP II

WARDEN HAROLD MAY,

**MEMORANDUM OPINION AND
ORDER**

Respondent.

This matter is before the Court on Magistrate Judge Darrell A. Clay's Report and Recommendation ("R&R") to dismiss in part and deny in part Petitioner DeMondray Brooks's Petition for a Writ of Habeas Corpus under 28 U.S.C. § 2254. (Doc. 13). Specifically, Judge Clay recommends the Court deny Ground One on the merits, and find Ground Two not cognizable. *Id.* at 9-23.

Under the relevant statute:

Within fourteen days of being served with a copy [of a Magistrate Judge's R&R], any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court. A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.

28 U.S.C. § 636(b)(1); *see also* FED. R. CIV. P. 72(b)(2). The failure to file timely written objections to a Magistrate Judge's R&R constitutes a waiver of *de novo* review by the district court of any issues covered in the R&R. *Thomas v. Arn*, 728 F.2d 813, 814-15 (6th Cir. 1984); *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981).

In this case, the R&R was issued on June 23, 2025, and Petitioner has neither filed timely objections nor requested an extension of time to file them. Therefore, the Court ADOPTS Judge

Clay R&R (Doc. 13) as the Order of this Court, and DENIES and DISMISSES Petitioner's Petition (Doc. 1) as set forth therein.

The Court finds an appeal from this decision could not be taken in good faith. 28 U.S.C. § 1915(a)(3). Further, because Petitioner has not made a substantial showing of a denial of a constitutional right directly related to his conviction or custody, the Court declines to issue a certificate of appealability. 28 U.S.C. § 2253(c)(2); FED. R. APP. P. 22(b); Rule 11 of Rules Governing § 2254 Cases.

IT IS SO ORDERED.

s/ James R. Knepp II
UNITED STATES DISTRICT JUDGE

Dated: August 4, 2025